

80 01243

1st draft

San Francisco Charter Commission

PROPOSED

CHARTER

CITY AND COUNTY OF SAN FRANCISCO

16 January 1980

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FIRST DISCUSSION DRAFT UNIVERSITY OF CALIFORNIA

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TO THE PEOPLE OF SAN FRANCISCO

Below you will find the first discussion draft of the revised charter of the City and County of San Francisco. The draft is not written in final legal language, and it does not deal completely with all of the issues. It may not make all of the changes you as a resident of San Francisco would like to see; it may make too many; it may make what you consider to be mistakes. All of the charter commissioners do not support all of the proposals, but they do agree that it should be distributed in its present form in order to stimulate discussion. We hope that you will take this opportunity to study our work to date and make your views known to us.

WHAT IS THE CHARTER?

The charter of the City and County of San Francisco is similar to the Constitution of the United States or the State of California. It is a grant of power from the people to create a municipal government. The charter determines the structure, scope, and limits of San Francisco's government. For example, the charter both provides for a mayor, a board of supervisors, appointed officials, boards and commissions, and states the powers and responsibilities of those officers. It outlines the rules for the administration of government. In effect, it allows the people of San Francisco to regulate their own affairs within the limits allowed by state law.

This charter will also eventually be accompanied by a document which provides for an orderly transition from the old to the new. The transition document, which has the force of law, phases in the new charter so as to cause the least possible disruption in city government.

WHAT IS THE CHARTER COMMISSION?

California state law provides for the formation of a commission to revise or redraft the charter of a city and/or county. Most charter commissions are appointed, but San Francisco voters in June, 1978, decided instead to create an elected commission,

reflecting a desire for an independent body. As a result the San Francisco Charter Commission is unique in California and for that matter in the United States. Being independent of city government is another reason for us to involve the public in our work: we are responsible to you and to no one else.

WHAT IS THE CHARTER COMMISSION DOING?

During the last year the Commissioners studied the issues involved with city government, held public hearings to determine problems in city government, met with community leaders, organizations, and individuals to learn their opinions, and spent hundreds of hours in deliberations. All of the proceedings of the commission have been open, and we have actively encouraged citizen participation.

The Commission has just finished this first discussion draft. After we hold public hearings in February and receive your comments, we will prepare a second draft in April. After a second set of hearings a final draft will be prepared and submitted to the clerk of the board of supervisors to be placed on the November, 1980, ballot.

Neither the board of supervisors nor the mayor nor any other person may change our final draft. The voters of San Francisco must either accept it or reject it in November.

WHY REVISE THE CHARTER WE HAVE NOW?

We do not believe in change merely for the sake of change. We have spent over a year studying San Francisco government, talking to city employees, political leaders and citizens, reviewing the governmental structure of other cities, and discussing alternative solutions. From this effort, we have decided that some change is necessary if our city's problems are to be solved.

The current city charter was adopted in 1932 following a period of widespread corruption when times were considerably different from the present. It is long, extremely detailed, and inflexible. It has been amended over 500 times, and has become a patchwork of outdated and sometimes conflicting provisions. The city attorney has estimated

that up to one half of his time is spent defending or explaining the current patchwork charter.

Virtually every city service could be provided more efficiently under a more modern, better designed system of government. San Francisco General Hospital is a case in point: the director of health has said that the charter makes it difficult to give patients proper care. He speaks of "a conflict between those caring for patients who need resources immediately and those who are functioning within the charter's provisions, which seem to invariably delay decisions and action." He adds that the health department is "constantly subject to delay on personnel, fiscal, purchasing and other matters," and is of the opinion that most of these difficulties are attributable to the present charter.

Many city administrators reported to the charter commission that the current charter costs the city dearly. The former interim director of San Francisco General told the charter commissioners that the charter's constraints cost several million dollars each year in operating costs at San Francisco General alone.

Government units whose services ought to fit together and support each other often have no way of finding out what each is doing, and no overall management is charged with making sure the units agree on what should be done. The result is the situation familiar to so many San Franciscans - the series of phone calls to try to get a problem taken care of only to be referred from agency to commission to bureau to agency and find out in the end that solving that kind of problem is nobody's job.

We believe that the governmental structure of San Francisco should be so clearly drawn that citizens can tell which official has responsibility for a particular problem and which agencies and officials should be held accountable. The governmental structure should be as simple as possible, with clear lines of responsibility. Similar services should be coordinated under one official, so that they support each other, instead of going in different directions or even conflicting with each other.

These are the goals of the charter commission:

- to provide flexibility to meet emerging challenges;*
- to hold elected representatives responsible for their actions;*
- to allow professional administrators to provide services and manage departments efficiently;*
- to allow for greater public participation in the review of governmental decisions;*
- to respond to the needs of the people of San Francisco.*

Times change and needs change; a charter should change, when necessary, to meet the new challenges. The restrictions placed on municipal government by actions beyond the control of local government - such as Propositions 13 and 4, state mandates, and federal requirements - require response by the city. Yet the current charter limits San Francisco in its ability to respond rapidly to these requirements.

The charter commission invites you to study this draft and attend one of the public meetings we are holding in February.

Respectfully,

The San Francisco Charter Commission

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Agnes Chan
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ARTICLE I

EMPLOYEE AND JAMES OF THE CITY AND COUNTY

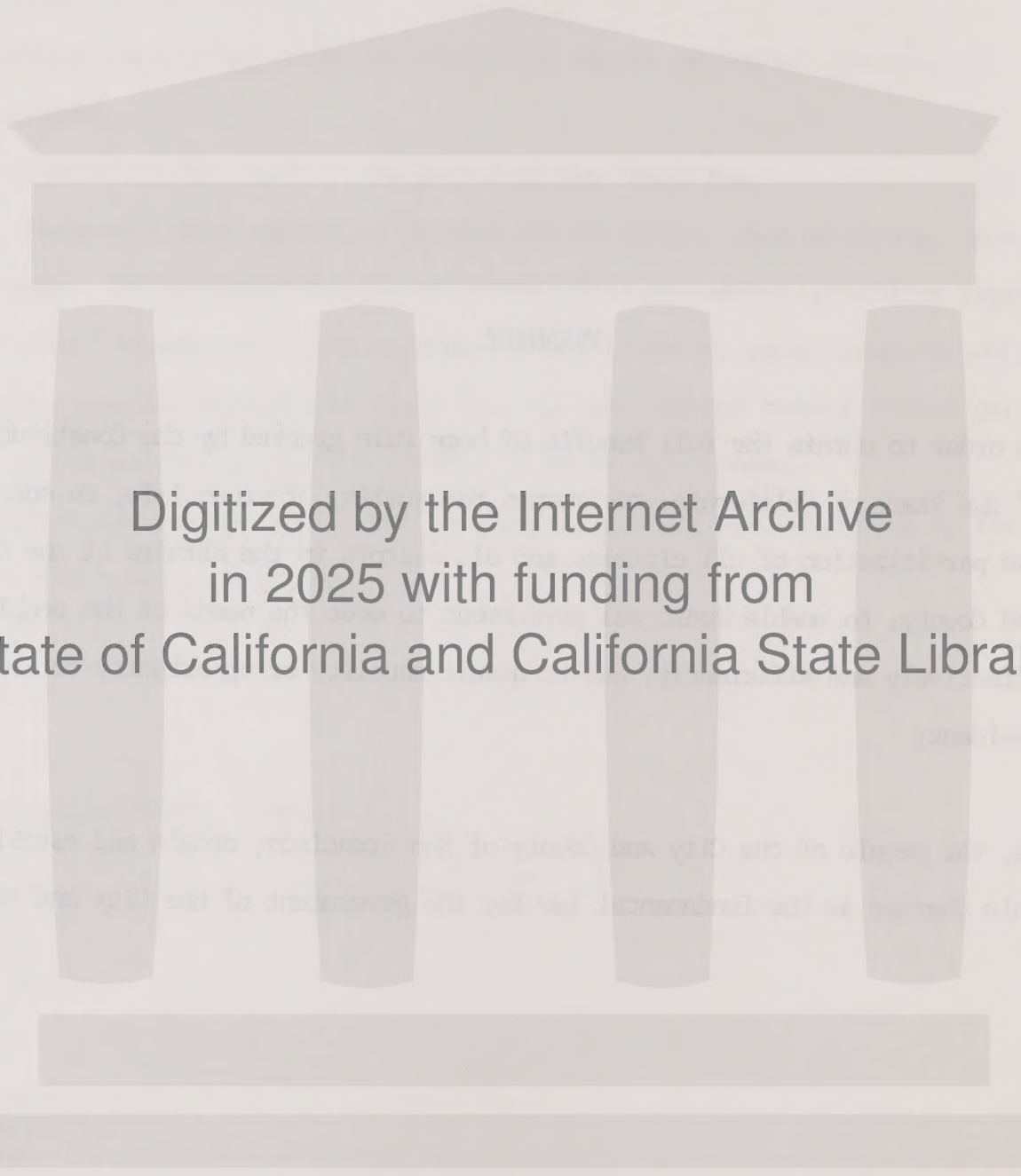
The City and County of San Francisco shall have the right to enter into contracts with the State of California for the purpose of providing for the needs of the City and County. The contract shall be subject to the approval of the Board of Supervisors.

The City and County of San Francisco shall have all the rights and powers granted to a charter city and county by the Constitution of the State of California.

PREAMBLE

In order to obtain the full benefit of home rule granted by the Constitution of the State of California; to improve the quality of urban life; to encourage the participation of all citizens and all sectors in the affairs of the City and County; to enable municipal government to meet the needs of the people effectively and efficiently; and to assure equality of opportunity to every resident;

We, the people of the City and County of San Francisco, ordain and establish this charter as the fundamental law for the government of the City and County.



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ARTICLE I

EXISTENCE AND POWERS OF THE CITY AND COUNTY

NAMES AND BOUNDARIES: The City and County of San Francisco shall continue as a municipal corporation with the boundaries as set forth in the government code of California. The boundaries may be extended as provided by law.

RIGHTS AND POWERS: The City and County of San Francisco shall have all the rights and powers granted to a charter city and county by the constitution of the state of California.

CONSTRUCTION: The powers of the City and County of San Francisco under the charter shall be construed liberally in favor of the City and County. The specific mention of particular powers in this charter shall not be construed as limiting in any way the general power of the City and County.

SEVERABILITY: If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the charter.

INTERGOVERNMENTAL RELATIONS: The City and County may participate in intergovernmental activities and relations.

Unless mandated otherwise, the mayor shall nominate and the board of supervisors confirm representatives of the City and County on intergovernmental bodies.

COMMENTARY: This article insures San Francisco's independent status as a charter government. It remains essentially the same as the present charter. The appointment powers of the mayor are enhanced in regard to the representation of San Francisco on intergovernmental bodies such as Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC).

ARTICLE II

LEGISLATIVE BRANCH

POWERS RESERVED: Powers not specified elsewhere in this charter shall be as provided by ordinance or resolution of the board of supervisors.

If a disaster renders a majority of the members of the board of supervisors unavailable, the board shall possess the powers conferred on it by general law pertaining to the preservation of local government.

COMPOSITION: The board of supervisors shall be composed of eleven members elected by districts. No boundary change under the reapportionment section of this charter shall disqualify a supervisor from serving the remainder of the term for which elected.

DISTRICTS: There shall be eleven supervisorial districts which shall be described by ordinance.

REAPPORTIONMENT: The board of supervisors shall after public hearing adjust the district boundaries after each decennial federal census in compliance with the constitutions and statutes of the United States and the State of California, provided that the reapportionment conforms to the rule of one person/one vote and reflects the communities of interest within the City and County.

TERM OF OFFICE: Members of the board of supervisors shall serve four-year terms, with members from even-numbered districts elected in 1981 and every four years thereafter members from odd-numbered districts elected in 1983 and every four years thereafter.

ELIGIBILITY: Supervisors must be electors in the district which they represent.

VACANCIES: If a supervisorial seat becomes vacant because of death, resignation, or otherwise as provided by this charter more than 120 days before a regularly scheduled election, the board of supervisors shall call a special election to fill the balance of the unexpired term. This special election is to be held within 60 days of the date the seat becomes vacant.

COMPENSATION: To the extent allowable by law and within a balanced budget, the board of supervisors shall establish by ordinance the salaries of all elected officials. The salaries set by supervisors for supervisors shall not take effect for two years after passage.

MEETINGS: The members of the board of supervisors shall meet at the legislative chamber in City Hall on the eighth day of January at 12:00 o'clock noon following the regular general municipal election. Thereafter regular meetings shall be held as determined by resolution.

The meetings of the board of supervisors shall be held in the City Hall, provided that, in case of emergency, the board by resolution may designate some other appropriate location as its temporary meeting place.

Notice of any special meeting place shall be published at least 24 hours in advance of such special meeting.

CALENDARS: A written calendar of the business scheduled for each meeting of the board of supervisors or any of its committees shall be available to the public before each meeting.

Summaries of all board and committee calendar items, and a statement of where and when copies of proposed ordinances and resolutions may be obtained, shall be published in an understandable form at least 36 hours before all regular and 18 hours before all special meetings.

QUORUM: A majority of the supervisors shall constitute a quorum for conducting the business of the board. A smaller number may adjourn and compel the attendance of absent members in the manner and subject to the penalties provided by ordinance.

RULES AND VOTING: Action by the board of supervisors shall be by ordinance or resolution introduced by a member, a committee of the board, or the mayor, and shall be reported on by a committee of the board. Passage or adoption requires a majority of the full board at each reading.

Passage of ordinances shall require two readings and votes held at least 5 days apart, subject to the following exceptions:

- a) emergency ordinances as defined in the emergency ordinance section of this article;
- b) an ordinance granting a franchise may not be passed within 90 days of its introduction;
- c) the board may override a mayoral veto by a 2/3 majority of its membership within 30 days of the veto, except for mayoral budget item vetos, which may be overridden by 2/3 vote of its membership within 10 days of the veto.

Resolutions shall require only one reading and by unanimous consent of the supervisors may be adopted upon introduction without reference to committee.

RATES, FEES, CHARGES: The board of supervisors may accept, reject, or modify the rates, fees, and charges established by boards, commissions, and departments of the executive branch.

POLICY AND PRIORITIES RESOLUTION: The board of supervisors shall act on the mayor's proposed policies and priorities resolution as submitted or as amended, within 30 days of its submission.

SALE OR LEASE OF REAL PROPERTY: The board of supervisors must approve any lease for over 10 years or any sale of any City and County real property. Maritime property

shall be exempt from this provision.

BONDS: The board of supervisors shall determine which municipal officials must post bonds and the amount of such bonds and shall review such bonding requirements annually.

EMERGENCY ORDINANCES: An emergency ordinance may be enacted to meet a public emergency affecting life, health, and/or property, subject to the following conditions:

- a) it may be adopted at the meeting at which it was introduced if passed by an affirmative vote of 2/3 of the full membership of the board;
- b) it shall be effective upon publication;
- c) it shall be introduced in the form and manner required for ordinances generally, except that it shall contain, following the enacting clause, a declaration stating the existence of an emergency, describing it in clear and precise terms, and explaining how the ordinance addresses the emergency;
- d) it shall be automatically repealed as of the 61st day after its initial enactment, unless subsequently re-enacted;
- e) no emergency ordinance may levy taxes, grant, renew, or extend a franchise regulate the rate charged by any public utility for its service set salaries, issue bonds; or buy, sell, or lease land.

HEARINGS, INQUIRIES AND INVESTIGATIONS: The board of supervisors and its committees may hold hearings and conduct inquiries and investigations. The board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence in any matter pending before it or any of its committees

NON-INTERFERENCE IN ADMINISTRATION: Except for the purpose of hearing or inquiry, the board of supervisors shall deal with the administrative service for which elective officials are responsible solely through the elected official concerned. Neither the board of supervisors, nor its committees, nor any of its members shall dictate,

suggest, or interfere with appointments, promotions, compensation, disciplinary actions, contracts, requisitions for purchases, or other administrative recommendations or actions of department heads or other appointed officers under elective officials. The board of supervisors shall deal with administrative matters only in the manner prescribed by this charter, and any dictation, suggestion, or interference herein prohibited on the part of any supervisor shall constitute official misconduct. Notwithstanding any provisions of this charter, a member of the board of supervisors may comment on administrative matters at a public meeting, or through a letter, with a copy of such letter sent to the clerk of the board and available for public inspection.

LEGISLATIVE AUDIT: The board of supervisors shall be responsible for conducting audits for the City and County, including:

- a) the preparation of an annual financial audit for the City and County, to be externally audited by a certified public accountant;
- b) the preparation of performance audits of all departments on a regular basis, with an evaluation of the need for the continuation of programs and services included;
- c) any special audit or financial report of any department or agency of the City and County that the board by majority vote deems necessary.

PRESIDENT OF THE BOARD: The board of supervisors shall elect one of its members president for a two-year term. The president shall preside at all meetings of the board, appoint all standing and special committees of the board, and have other powers and duties as may be assigned by the board of supervisors.

STAFF TO THE BOARD OF SUPERVISORS: The board of supervisors shall have the power to appoint a staff adequate to enable it to perform its duties and carry out its responsibilities. Such staff may include:

- a) a clerk for the board;

- b) an auditor;
- c) staff for the full board and its committees;
- d) staff for individual supervisors.

COMMENTARY: *The role of the board of supervisors has been substantially strengthened in this article. The board has been provided:*

- *expanded power to oversee the operations of executive departments;*
- *ability and responsibility to audit the executive branch;*
- *an increased role in the budget process;*
- *the role of primary policy-making body of the city;*
- *all powers not specifically granted to other branches of the city government and;*
- *increased powers of investigation.*

The placing of the audit function in the board of supervisors is an important addition to the board's role. The audit function makes the board responsible for an annual financial report for the city and allows the board to require audits to determine the efficiency and effectiveness of executive departments. The information developed from these audits will provide the board with information on the operations and performance of the city government - how well and at what cost services are being delivered.

The number and method of election of supervisors has been retained. Vacancies will be filled through elections not appointment. The board will set the salaries of all elected officials and will establish staffing levels for the board.

The emergency powers of the board have been reduced somewhat from the present charter, in that emergency ordinances are automatically repealed after 60 days. If the board wishes to continue the emergency ordinance it must again disclose the presence of an emergency and re-enact or modify the emergency ordinance. This requirement reduces the possibility of an emergency ordinance remaining in effect after the emergency has passed.

ARTICLE III
EXECUTIVE BRANCH - MAYOR

POWERS AND FUNCTIONS: The mayor is the chief executive of the City and County, and shall serve full time in that capacity.

The mayor shall enforce all laws relating to the City and County, and shall be the official representative of the City and County.

The mayor shall be responsible for:

- a) the supervision of administration of all departments;
- b) the coordination of all intergovernmental relations and programs involving the City and County;
- c) the coordination and enforcement of cooperation between all departments of the City and County;
- d) the receipt and examination of all complaints relating to the administration of the affairs of the City and County, and the immediate conveyance of findings and actions taken to the complainant.

The mayor shall have the power to:

- a) report on or discuss any matter before any board or commission;
- b) propose ordinances and resolutions for consideration by the board of supervisors;
- c) authorize studies or surveys in anticipation of any emergency;
- d) veto any ordinance granting a franchise. If vetoed, any ordinance granting a franchise passed by the board of supervisors may not be brought up for reconsideration for a period of 60 days;
- e) veto individual budget items within 10 days of final passage;
- f) veto any other ordinance or resolution within 10 days of final passage;
- g) appoint staff adequate to perform the duties and carry out the responsibilities of the office.

In addition, the mayor shall:

- a) designate a member of the board of supervisors to act as mayor in the mayor's absence;
- b) appoint a director of administration and a director of budget and planning, both of whom shall serve at the pleasure of the mayor;
- c) appoint subject to confirmation by the board of supervisors a director of finance, who shall serve at the pleasure of the mayor;
- d) have a seat but no vote on the board of supervisors;
- e) submit to the board of supervisors a proposed policies and priorities resolution which shall contain proposed policies and budget priorities of the city for the ensuing fiscal year;
- f) prepare and submit to the board of supervisors the annual budget for the City and County;
- g) have and exercise other powers and duties provided by this charter or by law.

TERM OF OFFICE: The mayor shall serve a four-year term, with no mayor eligible for more than two consecutive terms.

ELIGIBILITY: The mayor must be an elector of the City and County throughout the term for which elected.

VACANCIES: If the mayor should be temporarily disabled, the office of the mayor shall be filled by the president of the board of supervisors.

If the office of mayor shall become vacant because of resignation, permanent disability, or otherwise, a mayoral election shall be held at the next regularly scheduled election to fill the balance of the unexpired term. Until a new mayor is elected, the president of the board of supervisors shall act as mayor.

COMPENSATION: The mayor's salary, one consistent with the responsibilities of the office, shall be set by the board of supervisors.

EMERGENCY POWERS: Any exercise of powers beyond those included in this charter must be ratified by an emergency ordinance as described in Article II within 5 days. In exercising emergency powers the mayor must, in writing, proclaim the existence of an emergency, describe it in clear and precise terms, and explain how the action or action taken addresses such emergency.

THE MAYOR'S OFFICE SHALL INCLUDE:

DIRECTOR OF ADMINISTRATION: The mayor shall appoint and may remove at pleasure a director of administration who shall be responsible for administrative functions placed within the office of the mayor.

The director of administration shall be qualified to perform the functions of the office.

FUNCTIONS, POWERS, AND DUTIES: The director of administration shall be responsible to the mayor for:

- a) the supervision and control of all affairs placed in the director's charge by this charter or the mayor;
- b) the supervision of the personnel director of the City and County;
- c) the promulgation of general regulations for the administrative service under the director's control;

DIRECTOR OF BUDGET AND PLANNING: The mayor shall appoint and may remove at pleasure a director of budget and planning, who shall be responsible for budget preparation and overseeing short and long-range policy planning.

The director of budget and planning shall be qualified to perform the functions of the office.

FUNCTIONS, POWERS, AND DUTIES: The director of budget and planning shall be responsible to the mayor for:

- a) the preparation, at the direction of the mayor, of the annual budget for the City and County;
- b) the administration of the budget as adopted;
- c) coordinating and assisting executive offices and departments to developing plans for the functions within their jurisdiction;
- d) other functions and duties as assigned by the mayor.

DIRECTOR OF FINANCE: The mayor shall appoint subject to confirmation by the board of supervisors a director of finance, who shall serve at the pleasure of the mayor.

FUNCTIONS, POWERS, AND DUTIES: The director of finance shall be responsible for the following financial functions:

- a) accounting;
- b) financial reporting;
- c) assessing;
- d) the performance of financial and performance audits upon the request of the mayor;
- e) the treasury function;
- f) inventory;
- g) collection of receivables;
- h) other financial functions as may be assigned by the mayor.

COMMENTARY: This article provides the mayor with the authority to be the chief executive of the city and provides the citizen with one person to be held accountable for the management of San Francisco's government.

Specifically, the mayor is responsible; for the delivery of services, for the coordination of the executive branch, for the preparation of the budget of the city, and for the administration of the personnel system.

This charter requires the preparation of a policies and priorities message by the mayor every year prior to the submission of the budget. This is the statement by the mayor of what the goals of the city will be and how they are to be achieved through budget and other actions. The board will review and debate this document and must pass it as a resolution. This presentation by the mayor and dialogue with the board will provide the people of the city with a view of what the mayor expects to accomplish during the year. The budget that the mayor submits following the policies and priorities message will reflect the programs and goals of the message. Through this device the voters of San Francisco will know what the mayor's programs are and why emphasis is being placed on one issue rather than another; also the voters will be able to judge the performance of the mayor by comparing results with the policies and priorities message of the previous year.

This charter reorganizes the present executive structure of the city government and eliminates the offices of the chief administrative officer and the controller. The functions currently performed by these offices have been transferred to three directors responsible to the mayor. These three professional managers will assist in the technical running of the city.

The first, the director of administration, is appointed by the mayor and will be responsible for the administration of the city and for those ministerial functions required

of the city. The second, the director of budget and planning, prepares the mayor's budget (the single most important policy document produced each year) and provides the mayor with a long-range planning capability. The need to know where it is going and how it will get there is essential to any organization. This office fills a significant vacuum that has existed in San Francisco government. The third office under the mayor, the director of finance, is appointed by the mayor but is assured independence by the requirement that the person be confirmed by the board of supervisors. This director is responsible for the control of the fiscal machinery of the city including accounting, assessing, collecting, and investing of city funds.

The changes included in this portion of the charter are significant in that they place in the mayor the responsibility for the running of the government and provide the authority for the mayor to get the job accomplished.

ARTICLE IV

EXECUTIVE BRANCH - BOARDS, COMMISSIONS, AND DEPARTMENTS

EXECUTIVE BRANCH ORGANIZATION: With the exception of those described in this charter, the detailed description of the organization of the departments, boards, commissions, and agencies of the executive branch shall be as described by ordinance.

BOARDS AND COMMISSIONS - GENERAL PROVISIONS: All boards and commissions, whether created by this charter or ordinance shall:

- a) publish a set of rules consistent with ordinances, resolutions, and this charter.
A copy of these rules shall be filed with the clerk of the board of supervisors;
- b) file an annual report describing its activities and reporting on its financial condition with the clerk of the board of supervisors;
- c) hold open, public meetings and encourage the participation of interested citizens;
- d) be as representative of the communities of interest in the City and County as possible;
- e) be allowed, with the approval of the board of supervisors, to hire outside counsel.

Commissioners shall serve no more than two successive terms on the same commission.

All commissioners shall receive equal compensation; said compensation is to be determined by the board of supervisors by ordinance.

Vacancies on commissions shall be filled for the balance of the unexpired term in the manner prescribed by this charter or ordinance for initial appointments.

DEPARTMENTS - GENERAL PROVISIONS: Department heads shall:

- a) have management responsibility for departments;
- b) serve as the appointing officer for all civil service exempt positions in their respective departments;
- c) issue departmental regulations consistent with commission rules, city ordinances, and this charter.

CIVIL SERVICE COMMISSION: The civil service commission is described in article IX, Personnel Administration.

PLANNING COMMISSION: The planning commission shall consist of five members appointed by the mayor and confirmed by the board of supervisors for staggered four-year terms, removable for cause by the mayor.

The commission shall nominate the head of the planning department. The mayor shall appoint the head of the planning department who shall serve at the pleasure of the commission.

POWERS AND DUTIES: The planning commission shall, consistent with state law, adopt and periodically revise, after public hearing, and refer to the mayor and the board of supervisors for final adoption, a comprehensive general plan for the future social, economic, and physical development of the City and County. The plans shall include but not be limited to: goals and policies, short and long-term plans, neighborhood plan, and capital project plans.

The planning commission shall also review all zoning ordinances and variances and the capital improvement plan for consistency with the general plan, and shall report its findings to the mayor and the board of supervisors.

MANDATORY REFERRAL OF PROPOSED ORDINANCES AND RESOLUTIONS: All proposed ordinances and resolutions dealing with a change in the use or title of any public way, transportation route, open space, or structure shall be referred to the planning department and reported on by the planning commission prior to adoption. Such report shall examine the conformity of the matter involved to the general plan. If conflict exists, the report shall give the particulars of the differences between the proposal and the general plan.

MANDATORY REFERRAL OF PROPOSED SUBDIVISION PLATS AND PROJECT PLANS: The following shall be submitted to the planning department for written report and recommendation thereon by the planning commission to the agency responsible:

- a) all plats and replats of subdivisions of land within the city;
- b) all project plans for public and private housing and publicly-assisted private housing within the city;
- c) all project plans for the clearance, rehabilitation, and redevelopment of blighted areas within the city.

Should major changes be made in such plats or project plans subsequent to referral to the planning department, final plats or plans shall be submitted to the planning department for further report and recommendation by the commission.

All reports and recommendations of the planning commission rendered pursuant to this section shall be issued in a manner and within a time period to be determined by ordinance.

PERMITS AND LICENSES: All permits and licenses dependent on or affected by the zoning set-back or other ordinances administered by the planning department must be approved by the planning commission prior to issuance.

ZONING AMENDMENTS: The head of the planning department shall be responsible for the administration of all zoning ordinances and the determination of all zoning variances. Proposed ordinances and amendments to ordinances regulating or controlling the height, area, bulk, set-back, location, use, or related aspects of any building, or structure, or land may be initiated by the planning commission or by the board of supervisors and referred to the planning commission for consideration and public hearing. In the case of a reclassification of property, or establishment, abolition, or modification of a set-back line, such proposals may be initiated by the application of interested property owners or their authorized agents.

The planning commission shall approve or disapprove any such proposed ordinance or amendment in accordance with procedures for action on such matters as shall be prescribed by ordinance.

Upon written approval in whole or in part by the planning commission, a proposed ordinance or amendment shall be transmitted to the board of supervisors. The board of supervisors may adopt such proposal, as approved by the planning commission, by ordinance by a majority vote.

If the planning commission disapproves the proposal in whole or in part, such action shall be final with the following exception:

- a) in the case of a proposal initiated by application, appeal may be taken to the board of supervisors by filing written notice of appeal with the board within 30 days of the decision by the planning commission.

The board of supervisors shall by ordinance prescribe the requirements and procedures for such appeals.

BOARD OF PERMIT APPEALS: The board of permit appeals shall consist of seven members appointed by the mayor and confirmed by the board of supervisors for four-year terms concurrent with that of the mayor, removable for cause by the mayor. Six members shall constitute a quorum, and five votes shall be required to overturn a ruling.

The board may appoint and remove at pleasure an executive secretary.

POWERS AND DUTIES: The board of permit appeals shall be an appellate body and shall hear and determine appeals:

- a) by any person denied a permit or license; whose permit or license has been suspended, revoked, or withdrawn; or who believes that his or her interest or the public interest will be adversely affected by the grant, denial, suspension, or revocation of a license or permit.

- b) where it is alleged that there is an error or abuse of discretion in any order, requirement, decision, or determination made by the head of the planning department in the enforcement of the provisions of any ordinance adopted by the board of supervisors creating zoning districts or regulating the use of property in the city.
- c) from the filings, decisions, and determinations of the head of the planning department granting or denying applications for variances from any rule, regulation, restriction, or requirement of the zoning or set-back ordinances.

Other administrative remedies provided by ordinance must be exhausted before an appeal may be taken to the board of permit appeals.

After a hearing and any further investigation deemed necessary, the board of permit appeals may concur in the action of the department involved, or by a vote of five members overrule the action of the department upon a determination that:

- a) the action was based upon an erroneous conclusion of law;
- b) the action was based upon an erroneous understanding of material fact;
- c) the action was based upon an administrative rule or regulation that is clearly unreasonable as applied to the matter before it;
- d) the action was an abuse of discretion in applying relevant legal standards;
- e) standards to guide administrative action have not been provided.

The board of permit appeals shall apply and be bound by the provisions of this charter or ordinance.

Any variance from a strict application of the terms of an ordinance may be granted only to the extent and under the circumstances expressly permitted by this charter and ordinance.

Decisions of the board of permit appeals may be appealed to appropriate courts of law.

Such decisions shall be binding upon the concerned departments, offices, and officers unless notice of intent to appeal is filed with the board and the appeal is pursued by the applicant within the period of time established.

HUMAN RIGHTS COMMISSION: The human rights commission shall consist of 15 members appointed by the mayor and confirmed by the board of supervisors for four-year terms concurrent with that of the mayor, removable for cause by the mayor.

The human rights commission shall nominate a director. The mayor shall appoint the director, who shall serve at the pleasure of the commission.

POWERS AND DUTIES: The human rights commission shall:

- a) investigate complaints of unlawful discrimination against any person because of race, creed, national origin, age, handicap, sex, sexual orientation, or any additional categories the board of supervisors may designate by ordinance, in violation of any ordinance or law within the City and County's jurisdiction to enforce;
- b) ensure the civil rights of citizens;
- c) ensure that the affirmative action plans of each department of the City and County are up-to-date and are being implemented, and report on such to the mayor and board of supervisors;
- d) promote understanding among the residents of the community and work cooperatively with other agencies of government, community groups, and others to eliminate discrimination and the results of past discrimination;
- e) study, investigate, mediate, and make recommendations for solving community-wide problems resulting in inter-group tensions and discrimination;
- f) make rules and propose ordinances for the consideration of the board of supervisors;
- g) exercise other related powers and duties as provided by ordinance, subject to applicable limitations in state or federal law.

In furtherance of the above the human rights commission may hold hearings, require witnesses to appear, administer oaths, take testimony, require the production of evidence, issue appropriate orders, and, in the manner prescribed by law, petition for a court order.

POLICE COMMISSION: The police commission shall consist of five members appointed by and serving at the pleasure of the mayor for four-year terms concurrent with that of the mayor.

The police commission shall nominate the police chief, who shall be the head of the police department. The mayor shall appoint the police chief, who shall serve at the pleasure of the commission.

POWERS AND DUTIES: The police commission shall exercise oversight of the police department by:

- a) formulating, approving, and evaluating long-term goals, objectives, plans, and programs;
- b) reviewing the annual budget and any modifications or transfers requiring the approval of the board of supervisors;
- c) conducting investigations into any aspect of departmental operation through the power of inquiry and by recommendations to the mayor or the board of supervisors;
- d) passing on rates, fees, and charges where such apply;
- e) acting as a review body to investigate and decide on disputed actions of the police department or any of its members. The commission shall have the power to require witnesses to appear, administer oaths, take testimony, and require the production of evidence.

The police commission shall not involve itself in the administration of the police department except through the police chief.

POLICE DEPARTMENT: The purpose of the police department shall be to preserve the public peace, prevent and detect crime, and protect the rights of persons and property by enforcing the laws of the nation, state, and City and County.

The police chief may appoint and remove at pleasure special police officers.

The police chief, in the lawful exercise of his/her functions, shall have all the powers that are now or that may be conferred on the sheriff by the laws of the state in the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority.

PATROL SPECIAL OFFICERS: The police commission may appoint patrol special officers and for cause may suspend or dismiss said patrol special police officers after a hearing on charges duly filed with the commission and after a fair and impartial trial. Each patrol special police officer shall be at the time of his appointment not less than 21 years of age nor more than 40 years of age and must possess such physical qualifications as may be required by the commission. Age qualifications shall not apply to present patrol special police officers acting as such on January 11, 1943, nor to their reappointment. Patrol special police officers who are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by said commission or the legal heirs or representatives of said owners, may dispose of their interest in said beat or territory to a person of good moral character, approved by the police commission and eligible for reappointment as a patrol special officer.

DISTRICT POLICE STATIONS: The police commission and department shall maintain and operate district police stations. The police commission may, subject to the approval by resolution of the board of supervisors, establish new and additional district stations, abandon or relocate any district station, or consolidate any two or more district stations.

FIRE COMMISSION: The fire commission shall consist of five members appointed by and serving at the pleasure of the mayor, for four-year terms concurrent with that of the mayor.

The fire commission shall nominate the fire chief, who shall be the head of the fire department. The mayor shall appoint the fire chief who shall serve at the pleasure of the commission.

POWERS AND DUTIES: The fire commission shall exercise oversight of the fire department by:

- a) formulating, approving, and evaluating long-term goals, objectives, plans, and programs;
- b) reviewing the annual budget and any modifications or transfers requiring the approval of the board of supervisors;
- c) conducting investigations into any aspect of departmental operation through the power of inquiry, and making recommendations to the mayor or the board of supervisors;
- d) passing on rates, fees, and charges where such apply;
- e) acting as a review body to investigate and decide on disputed actions of the fire department or any of its members, by having the power to require witnesses to appear, administer oaths, take testimony, and require the production of evidence.

The fire commission shall not involve itself in the administration of the fire department except through the fire chief.

FIRE DEPARTMENT: The purpose of the fire department shall be to enforce all laws and statutes of the State of California and the charter and ordinances of the City and County pertaining to the prevention, suppression, and investigation of fires.

The fire chief shall cause the fire department to inspect all occupied or vacated structures and premises to determine compliance with statutes, regulations, and ordinances relative to fire prevention, protection, and control and also the protection of persons and property from fire.

The fire chief, or in the absence of the chief, the chief-in-charge, may during a conflagration cause to be cut down or otherwise remove any building or structure for the purpose of checking the progress of such conflagration.

SERVICE DEPARTMENTS AND THEIR COMMISSIONS: All activities within the executive branch not in the office of the mayor shall be organized into departments.

Except as otherwise noted in this charter and according to the provisions of this section, commissions shall be established by ordinance to oversee all departments.

The commissions shall consist of seven members appointed by and serving at the pleasure of the mayor, for four-year terms concurrent with that of the mayor. The commissions shall establish policy for their departments consistent with overall city policy as established by the mayor and ordinances; and provide oversight for departmental operations. The board of supervisors by ordinance and consistent with the charter may confer such additional powers on these commissions as the board may deem appropriate.

Each commission shall nominate the head of its respective department. The mayor shall appoint the department head who shall serve at the pleasure of the mayor.

The commission shall for their respective departments:

- a) formulate, approve, and evaluate long-term goals, objectives, plans, and programs;
- b) review and approve the annual departmental budget prior to its submission to the mayor, and any modifications or transfers requiring the approval of the board of supervisors;
- c) conduct investigations into any aspect of departmental operations through the power of inquiry, and make recommendations to the mayor or the board of supervisors;

d) pass on rates, fees, and charges where such apply.

The commissions shall not involve themselves with appointments, discipline, contract administration, purchase requisitions, or other administrative recommendations except through the head of the respective department.

ENTERPRISE DEPARTMENTS AND COMMISSIONS: Pursuant to the reorganization provisions of this charter, those departments and commissions that defray all the costs of their operation from revenues produced by that department and commission may be established as enterprise departments and commissions.

Enterprise commissions shall consist of five members appointed by the mayor, removable for cause by the mayor, serving four-year terms concurrent with that of the mayor.

Enterprise commissions shall nominate the head of their respective departments. The mayor shall appoint the department head who shall serve at the pleasure of the commission.

The mayor and the board of supervisors may, consistent with this charter, establish more flexible budget and personnel procedures for enterprise departments and commissions than those for other departments and commissions.

Initially, the port commission and the airports commission shall be established as enterprise commissions.

Nothing in this section shall be construed to in any way limit the general powers of the mayor and the board of supervisors.

NOTE: At this point current charter provisions required by state law regarding port commission will appear. These provisions are identical to sections 3.580-3.585 of the current charter.

EXECUTIVE BRANCH REORGANIZATION: Whenever the mayor determines that a reorganization is necessary in order to improve the effectiveness of the city's administration, the mayor may submit a proposed reorganization ordinance to the board of supervisors. This plan may create, abolish, combine, or separate departments, boards, commissions, agencies, or other units within the executive branch which are not dealt with in this charter.

A proposed reorganization ordinance must:

- a) provide for the transfer of civil service employees who are engaged in the performance of a function or duty transferred to another office, agency, or department. Such transfer shall not adversely affect status, position, compensation, or pension or retirement rights and privileges.
- b) provide for the transfer of any unexpended balances of appropriations and other funds available for use in connection with any office, agency department, or function affected by the reorganization. Any unexpended balance so transferred shall be used only for the purpose for which the appropriation was originally made, except as this charter otherwise permits.
- c) include amendments to existing ordinances required to make them consistent with provisions of the reorganization plan. When a reorganization ordinance becomes effective, existing ordinances shall be treated as though they have been amended to conform to the reorganization ordinance.
- d) be consistent with all provisions of this charter.

The board of supervisors must adopt or reject the proposed reorganization ordinance, as submitted or as amended, within 60 days of its introduction.

COMMENTARY: This article provides for a consistent structure which insures that departments and commissions fit into overall city government.

Because of their special nature, seven boards and commissions have been described in the charter (these therefore could not be affected by a reorganization ordinance): civil service, planning, board of permit appeals, human rights (which is now established by ordinance), police and fire, and the port. The role of the first four is regulatory in nature. Police and fire are basic city services which are of particular concern to city residents. Due to provisions of state legislation, the port commission must be described in the charter.

The other boards and commissions currently in existence will remain; a transition article will establish them by ordinance so that they may be modified by the reorganization procedure if the mayor and the board find it necessary. The transition article may also establish a transportation commission, a public health commission, and possibly others.

A section describes the general makeup and powers and duties of these boards and commissions. These commissions will make policy for departments through budget review, approval of plans and programs etc. insofar as consistent with overall city policy as established by the mayor and the board of supervisors. The commissions will not, however, be involved in administrative details (such as purchase requisitions, contract administration, etc.). This general section makes uniform the makeup and general powers and duties of the commissions which oversee the departments which deliver services.

The charter recognizes the difference between those departments and commissions which defray all the cost of their operation through the revenues they collect, and creates a category called enterprise commissions. These commissions will have five members (instead of seven), and the department head will be appointed by the mayor, but will serve at the commission's pleasure. This establishes a commission similar to

a private sector board of directors, and enterprise commissions and departments are given more budget and personnel responsibility, subject to the oversight of the board of supervisors' annual audit. Initially the port commission and the airports commission shall be established as enterprise commissions.

While they seem complex, the respective roles and relationships of departments, boards and commissions, the mayor, and the board of supervisors have been clearly defined in this charter. Clearer lines of authority have been established in order to allow the mayor to be responsible for the delivery of city services and make the operations of city departments more effective and more accountable to the city's residents.

This charter also establishes an orderly method by which the arrangement of the majority of the city's departments may be changed by the mayor and the board of supervisors after public hearings. This is different from the current method, where many details of organization must go through the whole electoral process to be changed.

ARTICLE V
OTHER ELECTED OFFICIALS

There shall be an elected sheriff, city attorney, district attorney, and public defender in the City and County.

TERMS AND QUALIFICATIONS: The sheriff, city attorney, district attorney, and public defender shall:

- a) serve full-time;
- b) serve four-year terms;
- c) be electors of San Francisco throughout their terms;
- d) post official bonds if required by ordinance, and in the amount determined by ordinance.

The city attorney, district attorney, and public defender shall be qualified to practice law in all the courts in the state for at least five years prior to their election.

POWERS AND DUTIES OF COUNTY OFFICERS: Each county officer shall have the powers and duties assigned by general law to such office, in addition to those provided in this charter.

CITY ATTORNEY: The city attorney shall:

- a) represent the City and County in actions and proceedings in which it is legally interested;
- b) represent any officer of the City and County when so directed by the board of supervisors, unless a cause of action exists in favor of the City and County against any officer;
- c) commence legal action when cause for such exists in favor of the City and County or when directed to do so by the board of supervisors;

- d) give advice or written opinion to any officer, board, or commission of the City and County when requested;
- e) not settle or dismiss any litigation for or against the city, unless ordered to do so by the board of supervisors;
- f) approve as to form all bonds, contracts, and ordinances prior to enactment, and the title to all real property to be acquired by the City and County;
- g) appoint and remove at pleasure all assistants and employees of the office.

DISTRICT ATTORNEY: The district attorney shall:

- a) be responsible for the prosecution of all criminal cases in the municipal and superior courts;
- b) issue warrants for the arrest of persons charged with crimes to be prosecuted in municipal and superior courts;
- c) appoint and remove at pleasure all assistants and employees of the office.

PUBLIC DEFENDER: The public defender shall:

- a) upon the request of a defendant who is financially unable to employ counsel or upon order of the court, defend or give counsel or advice to any person charged with the commission of a crime;
- b) appoint and remove at pleasure all assistants and employees of the office.

VACANCIES: If the position of sheriff, city attorney, district attorney, or public defender becomes vacant because of death, resignation, or otherwise as provided by this charter, the mayor shall appoint, subject to confirmation by the board of supervisors, an individual qualified by the terms of this charter or the state law. Such appointee shall serve until the next regularly scheduled election.

COMMENTARY: Because the assessor and treasurer execute policy rather than make policy, the Commission chose to make those positions appointed rather than elected and to include them in an integrated finance department. This will save taxpayers dollars and create a less fragmented city financial administration.

This section also makes the qualifications for the three attorney offices uniform, and assigns the board of supervisors the responsibility for setting their bonds. The balance of the article is substantively unchanged.

ARTICLE VI
JUDICIARY

NOTE: This article has not been changed and remains as it appears in the current charter,
Sections 4.100 - 4.505, except that Section 4.104, Law Library, has been moved to
Article XII, Miscellaneous Provisions.

ARTICLE VII
EDUCATION

NOTE: The commission has not completed its deliberations on this article.

ARTICLE VIII
FINANCIAL PROVISIONS

INITIATION: The mayor shall be responsible for the initiation of the annual operating budget of the City and County.

FORM: The board of supervisors, upon the recommendation of the mayor, shall by ordinance adopt the form of the annual operating budget, which shall yield information in an understandable and useful manner.

TOTAL: The annual operating budget shall include and appropriate all revenues and all expenditures.

CAPITAL EXPENDITURES: Proposed capital expenditures to be incurred during the fiscal year shall be included in the annual budget and designated as such.

FACILITIES MAINTENANCE: The annual budget shall include a facilities maintenance element.

MAYORAL AMENDMENT OF BUDGET REQUESTS: The mayor may increase, decrease, add, or delete budget requests.

SUBMISSION OF PROPOSED BUDGET: The mayor shall submit the annual budget to the board of supervisors on or before a date to be determined by ordinance.

BOARD AMENDMENT OF BUDGET REQUESTS: The board of supervisors may increase, decrease, add, or delete budget requests.

ADOPTION: The board of supervisors shall adopt the annual operating budget prior to the start of the fiscal year, in accordance with the budget form resolution.

BALANCED: The annual operating budget shall be balanced.

SUPPLEMENTAL APPROPRIATIONS: Supplemental appropriations shall be handled in a manner identical to that specified for budget initiation and adoption.

TRANSFERS: The board of supervisors shall determine by ordinance the method of determining transfers of funds.

PUBLIC PARTICIPATION: The mayor and the board of supervisors shall allow for and encourage public participation and input into the budgetary process. Such shall include, but not be limited to, budget hearings at the departmental, mayoral, and supervisorial levels, and the preparation of a document by the mayor which presents essential budget information in summary form.

CAPITAL IMPROVEMENTS AND FACILITIES MAINTENANCE: The mayor shall be responsible for the preparation of capital improvement and facilities maintenance plans covering six years. These plans shall be updated annually and adopted as submitted or as amended by the board of supervisors.

COMMENTARY: This article has been structured in response to testimony that the current budget cannot be used to manage the city's resources effectively, a need which is underscored in the current post-Prop 13 era. This article requires: a balanced budget; one that includes all revenues and expenditures (something the current charter does not do and which results in an inaccurate representation of the allocation of city resources); and one that includes capital expenditures and facilities maintenance elements in the annual operating budget. Finally, to encourage public participation, it requires budget hearings at both the mayoral and supervisorial levels, and publication of a budget summary.

Consistent with the idea that government must be able to adapt to rapidly changing situations, this article gives the board and the mayor greater budgetary flexibility. It allows the board the ability to specify what form of budget will provide the best tool for allocating the city's resources, what timetable should be used, and how budget modifications and transfers will be handled. It assigns the mayor the responsibility and the authority for initiating the budget. Allowing both the board and the mayor to increase, decrease, add, or delete budget requests creates a situation encouraging a dialogue between the two which should produce a budget more closely describing the elected officials' policy intentions.

ARTICLE IX

PERSONNEL ADMINISTRATION

PURPOSE OF THE PERSONNEL SYSTEM

PURPOSE: The purpose of the personnel system of the city and county shall be:

- to effectively and efficiently recruit, select, retain, and advance employees for the city and county on the basis of their ability and performance;
- to protect against abuse of the civil service principle;
- to assure employees and potential employees equal opportunity and protection against discrimination based on political affiliation, race, color, national origin, sex, sexual orientation, religious creed, age, or disability, and to safeguard their privacy and constitutional rights as citizens;
- to provide an atmosphere encouraging superior performance by employees at all levels.

BOARD OF SUPERVISORS

The board of supervisors shall adopt:

- an annual salary ordinance which may be amended from time to time for new classifications;
- ordinances required to implement memoranda of understanding;
- an ordinance establishing a system of personnel management (which shall be subject to memoranda of understanding).

CIVIL SERVICE COMMISSION

APPOINTMENT AND REMOVAL: The civil service commission shall consist of five members appointed by the mayor for staggered four-year terms. Members may be

removed by the mayor prior to the expiration of their terms only for cause, with the consent of the board of supervisors.

STAFF: The civil service commission shall appoint an executive secretary who shall serve at its pleasure.

RULES: The civil service commission shall adopt and amend as necessary rules for the recruitment, selection, and appointment of employees.

Notwithstanding the above, personnel practices within the scope of negotiation may be established through agreement of the mayor and the supervisors or their representative with employee bargaining units through memoranda of understanding.

APPEALS: The civil service commission shall hear appeals on:

- 1) disciplinary actions, including dismissal, demotion, and suspension in excess of five days;
- 2) alleged improper action under, or denial of rights provided by, this article or ordinance, rules, or regulations adopted thereunder;
- 3) disputes concerning classification decisions of the personnel department;
- 4) alleged violation of civil service rules or regulations, or fraud concerning examinations, except that technical issues concerning the content of examinations shall be appealable only to the personnel director.

Appeals procedures for police and firefighters shall be retained (as described in Section 8.343 of the current charter).

Notwithstanding the above sections, matters within the scope of negotiations which have been the subject of a labor-management agreement

shall be subject to appeal in the manner provided in the agreement.

OVERSIGHT AND INVESTIGATION: The civil service commission shall exercise oversight of all aspects of the personnel system. It shall have the power to conduct investigations into any aspect of the operation of the personnel system and to make recommendations to the mayor and the board of supervisors. The civil service commission may require periodic reports from the personnel director in a manner and form which it shall prescribe.

PERSONNEL DEPARTMENT

POWERS AND DUTIES: The personnel department shall provide means to recruit, select, appoint, train, and maintain an effective and responsive workforce through procedures for employee hiring and advancement, training and career development, job classification, salary administration, discipline, discharge, and other related activities.

DIRECTOR: A personnel director shall administer the personnel system. The director shall be appointed by, and shall serve at the pleasure of, the mayor. The director shall report to the mayor through the director of administration.

The director shall promulgate necessary regulations consistent with the charter, ordinances, and civil service rules. Due notice shall be given before such regulations become effective.

EXCLUSIONS FROM THE CIVIL SERVICE SYSTEM: All employees shall be either classified (included in civil service) or unclassified (exempt from civil service).

All appointments except those specifically exempted in this charter shall be

classified, except that: .

- 1) appointments to temporary positions, which shall not exceed six months in any twelve month period, and which shall not be renewable, may be outside the regular civil service;
- 2) provisional appointments for classified positions, which shall not exceed six months and shall not be renewable, may be made for positions for which no list of eligibles exists.

Temporary and provisional employees may receive the same fringe benefits, except retirement benefits, as permanent employees.

CLASSIFICATION: The personnel department shall establish a system of job classification. The department shall create new classifications and shall as necessary re-classify existing positions, after appropriate notice to employee organizations and departments affected.

Any classification or re-classification shall be appealable to the civil service commission by affected parties including employees, recognized employee organizations, and city departments.

EXAMINATIONS: The personnel director shall conduct appropriate examinations for employment on an entrance, promotive, or combination entrance and promotive basis, and shall establish lists of eligibles based on their results.

The rights contained in Section 8.324 of the current charter concerning veterans' preference in examinations, and in Section 8.361 concerning seniority for military leave during time of war, shall be retained.

DISCIPLINE: Public employees in the classified service shall have the right to due process in all disciplinary matters. For disciplinary matters in which a suspension of less than five days is imposed, an employee shall be granted a hearing and the right to appear before the appointing officer or designee in a manner to be prescribed by regulation. For disciplinary matters involving suspension of more than five days, demotion, or dismissal, an employee shall have the right, after exhausting the process above, to a hearing before the civil service commission, or to binding arbitration (as provided in Section 8.341 of the current charter).

Members of the police and fire departments shall be subject to discipline by the police or fire commissions, rather than by the civil service commission, as provided in Section 8.343 of the current charter.

Notwithstanding the above sections, procedures governing disciplinary matters may be established through labor-management agreement.

EMPLOYER-EMPLOYEE RELATIONS SYSTEM

PURPOSE: The employer-employee relations system shall provide a mechanism whereby the City and County can negotiate with recognized employee organizations on wages, hours and other terms and conditions of the employment.

EMPLOYEE RELATIONS OFFICE: The mayor shall establish an employee relations office. A chief labor negotiator for the city shall be designed by the mayor and board of supervisors. The employee relations office shall:

- 1) negotiate on behalf of the city with recognized employee organizations on all matters within the scope of negotiation;
- 2) serve as the city's representative for the negotiation and administration of memoranda of understanding;
- 3) evaluate the likely costs of various labor and management proposal under negotiation;
- 4) be responsible for annual salary surveys.

EMPLOYER-EMPLOYEE NEGOTIATIONS: Wages, hours, and other terms and conditions of employment for employees of the City and County shall be established through one of two methods:

- 1) the City and County through its authorized representative shall meet and confer in good faith with recognized employee organizations and shall attempt to reach agreement on all matters within the scope of negotiation. Such agreement shall supersede any other terms and conditions of employment for covered employees established by this charter (in Appendix A*), ordinances, or other rules and regulations which are inconsistent with such agreements. Such agreements may provide a procedure for final and binding arbitration of grievances which may arise between representatives of the City and County and an employee or the contracting employee organization arising within

and under the agreement, or of disputes arising in negotiating such memoranda of agreement.

On the expiration of an agreement all terms and conditions of employment contained in the agreement shall terminate, and no employee benefit contained therein shall continue after the expiration date of the agreement except as may be specifically provided in such agreement.

- 2) In the absence of a negotiated agreement for any group of employees, wages, hours, and other terms and conditions of employment shall be provided as specified in Appendix A* of this charter.

Terms and conditions of employment not specified in Appendix A* shall be determined by the employee relations division after survey in the six Bay Area counties of benchmark classes of public and private employees who are providing like work and like services.

STRIKES: The "no strike" provisions in the current charter Sections 8.345 and 8.346 shall be retained.

*APPENDIX A will contain the provisions of the 1932 charter in Sections 8.401-8.588. which determine methods for setting salaries and which establish health plan contributions, vacation, leave, retirement and other benefits.

SPECIAL RIGHTS

Those provisions in the current charter applying to police and fire uniformed employees, such as contained in Sections 3.531, 3.534, 3.540, 3.542, and 8.327, shall be retained.

HEALTH AND RETIREMENT BENEFIT SYSTEMS

The Charter Commission has deferred detailed investigation in this area until completion of the present draft, and is now studying these systems.

COMMENTARY: This article strengthens each aspect of the personnel system by creating a clear separation of responsibility between the civil service commission, personnel department, board of supervisors and mayor's office, employee relations office, and the retirement system. The article follows the Charter Commission's philosophy of maintaining the integrity of the civil service principle through oversight by an independent civil service commission, and of improving the effectiveness of the personnel department by better defining its administrative responsibilities and accountability.

A personnel department will administer the civil service system and deal with other aspects of personnel administration.

A civil service commission, insulated from elected officials by fixed terms of office and removed from day-to-day administration and review of routine management actions, is given responsibilities which include hearing appeals, investigation and oversight, and approving rules concerning recruitment, selection, and appointment.

The article simplifies the currently overlapping and confusing process of negotiating labor agreements by creating a single employee relations office, accountable to both the mayor and board of supervisors (who must approve agreements), which will serve as the city's representative in labor negotiation. The article retains the provisions of article VIII of the current charter which determine wages, hours, and terms of employment. But it allows the city and employee organizations, by mutual agreement, to negotiate agreements that supersede charter provisions on issues within the scope of negotiation. Strikes will continue to be prohibited.

The board of supervisors shall, of course, retain fiscal responsibility for all personnel matters.

The Commission has not yet dealt with the retirement and health benefit systems and is now studying them in detail.

ARTICLE X

ELECTIONS

CITY-COUNTY ELECTIONS: A general municipal election shall be held on the Tuesday after the first Monday in November in odd numbered years.

Should no candidate for mayor, a supervisorial seat, or any elected office receive a majority of the votes cast at the general municipal election for all the candidates for that specific office, the two candidates receiving the most votes for the office shall qualify as candidates for the municipal run-off election to be held on the second Tuesday of the next December. The municipal run-off election shall include only candidates for offices for which a run-off is required.

Special municipal elections shall be called by the registrar of voters for votes on initiative, referendum, and recall petitions as required by this charter and to fill vacant supervisorial seats according to the section on vacancies in Article II. Special municipal elections may also be called by the supervisors for bond issues, declarations of policy, or the election of City and County officers not subject to general or run-off municipal elections.

The board of supervisors shall maintain a \$50,000.00 special fund to be used only to defray the expenses of a special election. If it is depleted, an appropriation must be made in the next annual budget to reimburse the fund.

All provisions of general law regarding the matters of this article apply except as otherwise provided by this charter or by any ordinance of the city.

TERMS OF ELECTIVE OFFICE: At the general municipal election in 1983 and every fourth year thereafter, a mayor, six supervisors, a sheriff, and a district attorney shall be elected.

At the general municipal election in 1981 and every fourth year thereafter, 5 supervisors and a city attorney shall be elected. At the general election in 1980 and every fourth year thereafter 3 members of the board of education and 3 members of the governing

board of the community college district shall be elected. At the general election in 1982 and every fourth year thereafter 4 members of the board of education, 4 members of the governing board of the community college district, and a public defender shall be elected.

All terms of office of elected officials shall commence at 12:00 o'clock noon on the eighth day of January following the date of their election. No person shall be eligible for a period of one year after the last day of service as mayor or supervisor for appointment to any full-time position carrying compensation in the City and County service.

REGISTRAR OF VOTERS: The registrar of voters shall register voters, conduct elections, establish precincts, appoint precinct boards of election, and manage all other matters pertaining to elections in the City and County.

NOMINATIONS: At least 60 days prior to the election, candidates for elective offices shall file with the registrar:

- a) a declaration of candidacy as prescribed by the registrar;
- b) either a filing fee of 2 percent of the current annual salary for that office, or signatures of San Francisco electors as provided by general law;
- c) a list of between 20 and 30 sponsors.

All candidates shall be electors in the electoral district they seek to represent.

Upon receipt of the necessary documents and/or fees the registrar shall certify the candidate as nominated and place his or her name on the ballot. A candidate may withdraw his or her candidacy up until 50 days before the election by filing a statement of withdrawal signed and sworn to by the candidate.

The registrar shall preserve for a period of four years, in a manner accessible to the public, all candidates' declarations, petitions, and sponsors' certificates filed in accordance with this section.

PRECINCTS: The registrar shall appoint a board of election officers for each election precinct for each general, run-off, or special election. A board shall consist of one inspector, one judge, and two clerks, or when voting machines are used, one inspector and two judges.

The registrar may withhold the pay of any election officer who neglects, disregards, or violates the election laws.

ELECTION MATERIAL MAILED TO VOTERS: A voter's pamphlet including a sample ballot, candidates' statements and lists of sponsors, pro and con arguments and a financial impact statement of all ballot measures, and pros and cons of the recall of any officers shall be mailed to each registered voter, or one per surname if living at the same address, at least 10 days prior to each election.

ELECTORS-ELIGIBILITY: The registrar of voters shall qualify electors as prescribed by general law.

DETERMINATION OF ELECTION RESULTS: The canvas of voters, canvas of returns, declaration of election, and certification of elections shall be made as provided by general law. If a person elected fails to qualify, the office shall be filled in the manner this charter provides for filling a vacancy in that office.

REPORTING OF CAMPAIGN FINANCING: The board of supervisors shall prescribe requirements for campaign reporting and spending limitations for all candidates for elective office in the City and County.

COMMENTARY: *This article remains essentially the same as in the current charter.*

Language has been modernized and dates have been made consistent with the balance of this discussion draft.

ARTICLE XI

INITIATIVE, REFERENDUM, AND RECALL

INITIATIVE, REFERENDUM, DECLARATIONS OF POLICY, AND RECALL: The registered voters reserve the power to enact city ordinances, called the "initiative", and the power to nullify ordinances enacted by the city, called the "referendum", whenever the use of the initiative or referendum is permitted or required by general law. However, these powers do not extend to the budget or any ordinance for the appropriation of money; the referendum power does not extend to any emergency ordinance.

Any declaration of policy may be submitted to the electors either by initiative or referendum. When approved by a majority of the qualified electors voting on said declaration, it shall thereupon be the duty of the board of supervisors to enact an ordinance or ordinances to carry such policies or principles into effect within 90 days of certification by the registrar of voters, subject to the referendum provisions of this charter.

Any elected official may be recalled from office by the electors of his/her electoral district as provided by this charter and general law, except that no recall petition shall be filed against any officer until such officer has held office for at least six months.

PETITIONS: Any petition signer may withdraw his or her name from a petition by filing a verified revocation of that signature only before the petition has been filed.

INITIATIVES AND DECLARATIONS OF POLICY: The electors of the City and County may by petition propose an initiative measure or declaration of policy. If such petition be signed by registered voters in a number equivalent to at least 5 percent, but less than 10 percent, of the entire vote cast for mayor in the last preceding regular mayoral election, then such measure or declaration shall without alteration be submitted by the registrar of voters to a vote of the electorate. Such vote shall occur

at the next general state or municipal election that shall occur at any time after 30 days from the date of the certificate of sufficiency attached to the petition accompanying such measure unless the board of supervisors, by ordinance, directs that the measure or declaration be voted on at a special election.

If the petition accompanying a proposed initiative measure or declaration of policy be signed by registered voters in a number equivalent to at least 10 percent of the entire vote cast for mayor in the last preceding regular mayoral election and if the petition contains a request that such measure or declaration be submitted forthwith to a vote of the electorate at a special election, the registrar shall forthwith call a special election. Such special election shall be held at a date not less than 60 nor more than 75 days from the date of calling the same, at which election said measure or declaration without alteration shall be submitted to a vote of the electorate, unless it is within 60 days of a general or primary election, in which event it shall be submitted at such general or primary election.

REFERENDUM: Referendum petitions must be signed by a number of City and County electors equivalent to at least 10 percent, or in the case of any ordinance granting any public utility franchise at least 5 percent, of the total number of votes cast for mayor in the last regular election.

Any referendum proposed by a majority of the board of supervisors shall be voted on at a general or special election within 30 days of the referral. Any referendum proposed by 1/3 of the supervisors or by the mayor shall be voted on at the next general election,

RECALL: A recall petition for any elected official other than a supervisor must include the signatures of electors in a number equivalent to at least 10 percent of the entire votes cast for mayor at the last preceding mayoral election. A recall petition for a supervisor must include the signatures of electors within that supervisorial district in a number equivalent to at least 10 percent of the vote cast for mayor in that particular supervisorial district.

Upon certification of sufficiency of the recall petition by the registrar of voters, the registrar shall forthwith call a special election, to be held at a date not less than 60 nor more than 75 days from the date of calling the same at which said recall shall be submitted to a vote of the electorate, unless within 60 days of a general or primary election, in which event it shall be submitted at such general or primary election.

COMMENTARY: *This article remains essentially the same as the current charter.*

Language has been modernized and the article is now comprehensive and reflects all provisions relating to initiative, referendum, and recall.

ARTICLE XII
MISCELLANEOUS PROVISIONS

OPERATION OF CABLE CARS: To remain the same as in current charter section 3.595.

ACQUISITION OF PUBLIC UTILITIES: To remain the same as in current charter section 3.599.

APPROPRIATIONS FOR MAINTENANCE OF CERTAIN CULTURAL FACILITIES: Intent to remain the same as in current charter section 6.404.

OPEN SPACE ACQUISITION AND PARK RENOVATION FUND: Intent to remain the same as in current charter section 6.413. Language must be changed to comply with provisions of proposition 13.

LAW LIBRARY: To remain the same as in current charter section 4.104.

CITIZEN PARTICIPATION; PUBLICATION OF AND ACCESS TO PUBLIC DOCUMENTS: The publication of and full public access to public documents, except for those subject to confidentiality, shall be as required by law.

FRANCHISES: Franchises shall be granted by a competitive procurement process for not more than 25 years.

FINANCIAL DISCLOSURE: All public officers, as defined by state law and including all the commissioners of the City and County, shall disclose financial information in accordance with general law. The county clerk shall maintain all such records and be responsible for the enforcement of this section.

CONFLICT OF INTEREST: The conflict of interest section is still under study. The complete language will appear in the second discussion draft of the charter.

COMMENTARY: *The first five miscellaneous provisions will not be changed from the way they are currently carried in the charter.*

A conflict of interest section will appear in the second discussion draft charter. A change contemplated is to allow officers or commissioners to abstain from voting on the specific items in which they have a conflicting interest rather than the current charter provision which forces them to resign their position. Failure to publicly declare such an interest would still be cause for dismissal.

The sections entitled "Appropriations for Maintenance of Certain Cultural Facilities" and "Open Space Acquisition and Park Renovation Fund" will be studied as part of the work of the Commission's new task force on the arts.



The next stage of the charter revision process belongs to you, the residents of San Francisco. We hope you will come to one of the meetings we have arranged to discuss this first draft, (see schedule below), and that you will fill out and send to us the response form printed at the bottom of the page.

We also want to know which sections of this draft charter you agree with, which you disagree with, and what suggestions you have, so that we can prepare a second draft more in line with your wishes. Remember, the Commissioners are still dealing with concepts, not final legal language. This draft is not final; we need your ideas. Write to us at the address below and provide us with your comments.

We Charter Commissioners have a rare opportunity--to write a governing document. We want you to share this opportunity with us. Together we can contribute to this extraordinary city for the benefit of all.

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